

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-391 **Caption [use short title]**

Motion for: Joint Briefing Schedule United States of America v. Trevor Cole

Set forth below precise, complete statement of relief sought:

Request for extension of time to 08/04/2014
to file Brief and Joint Appendix, which is the
deadline for the Co-Defendant Dominique Jean
Philippe to file his brief in 14-463.

MOVING PARTY: Trevor Cole **OPPOSING PARTY:** United States of America

☐ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Daniel DeMaria, Esq. **OPPOSING ATTORNEY:** Parvin Moyne, Esq.
[name of attorney, with firm, address, phone number and e-mail]

Merchant Law Group LLP United States Attorney's Office
203 East Post Road, White Plains, NY 10601 1 St. Andrew's Plaza New York City, NY 10007
845-704-7777 (ddemaria@nyslitigators.com) 212-637-2200 (Parvin.Moyne@usdoj.gov)

Court-Judge/Agency appealed from: United States District Court (SDNY) - Hon. Katherine B. Forrest.

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☒ Yes ☐ No (explain): _____

Opposing counsel's position on motion:
☒ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☒ No ☐ Don't Know

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency: _____

Is oral argument on motion requested? ☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No If yes, enter date: _____

Signature of Moving Attorney: _____ **Date:** 5/9/14 **Service by:** ☒ CM/ECF ☐ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X

UNITED STATES OF AMERICA,
Appellee

DOCKET NO. 14-391

vs.

Trevor Cole
Appellant

-----X

**DECLARATION IN SUPPORT OF UNOPPOSED MOTION
FOR A JOINT-BRIEFING SCHEDULE**

I, DANIEL DEMARIA, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an associate with Merchant Law Group LLP, counsel for the Appellant Trevor Cole.
2. By way of this motion, Mr. Cole requests that his brief and special appendix be due on August 4th, 2014, which is the date on which the Co-Defendant/Co-Appellant Dominique Jean Philippe's brief and special appendix are due.
3. On March 23rd, 2014, the undersigned sent a scheduling notification letter to the court proposing that Mr. Cole's brief and special appendix be due on June 20th, 2014. The following day, the court so-ordered this scheduling notification.
4. Prior to filing Mr. Cole's scheduling notification, the undersigned contacted

Benjamin Heinrich's who at that time represented Mr. Jean Philippe. Mr. Heinrich's advised the undersigned that he was in the process of filing a motion to be relieved as attorney. Thus, Mr. Heinrich's was unable to consent to a joint scheduling notification.

5. On May 4th, 2014, the undersigned was advised by Julia Pamela Heit, Esq., Mr. Jean Philippe's new attorney, that she would be filing a scheduling notification the following day, and that she would consent to a joint scheduling order, so that she and the undersigned could work together on this complex appeal.

6. On May 5th, 2014, Ms. Heit sent a scheduling notification letter to the Court proposing that Mr. Jean Philippe's brief and special appendix be due on August 4th, 2014. The following day, the court so-ordered this scheduling notification. Mr. Cole hereby requests that his brief and special appendix be due on that same date.

7. The Government does not object to the filing of this motion for a joint scheduling order.

8. Mr. Cole has not previously applied for an extension of time or similar relief.

Dated: May 9th, 2014

Respectfully submitted

/s/

Daniel DeMaria, Esq.
Merchant Law Group LLP
203 East Post Road
White Plains, New York 10601
Tel: 845-704-7777
Fax: 877-607-5419
ddemaria@nyslitigators.com